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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,057	09/25/2000	Bruce Brumberg	BRUM-101	2821

7590 03/24/2004
Robert K Tendler
65 Atlantic Avenue
Boston, MA 02110

EXAMINER .

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/669,057

Applicant(s)

BRUMBERG, BRUCE

Examiner

JAGDISH PATEL

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Schultz (US Pub. No. 2001/0056391 A1) (hereafter Schultz) and alternatively Claims 1 and 3-16 are rejected under 35 U.S.C. 102(e) by Cristofich et al. (US Pat. 6,269, 346) (hereafter Cristofich).

Per claim 1 Schultz discloses a method for providing an individual with education and training about an employee stock option ..comprising the steps of:

Storing relevant information about the stock option plan in edible form in a central server (see para [0034], host web site) and [0035]);

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Modeling a projected outcome related to gain ..based on the relevant information..; (para [0038] The forecasts for each of the entered option-exercising scenarios can be compared 130 against at least one forecast determined from at least one standard option-exercising scenario. As with the received 110 scenarios, in an embodiment of the present invention, a plurality of predetermined, standard option-exercising scenarios are calculated to provide a broader basis for comparison.);

connecting the central server to the Internet; ([0034] The flexibility of the present invention's architecture enables it to simultaneously support different service models. For example, in accordance with an embodiment of the present invention, one model is the classic Web host model, where the optionee or the optionee's advisor accesses the system at a host web site via the Internet and completes a single sign-on authentication protocol..)

providing the information about the stock option plan to the individual ..and the results of the modeling done at the central server; (refer to Fig. 2 Tracker 210 and Forecaster 230 modules and relevant discussion at para [0068] through [0089])

having the individual provide inputs to the central server specifying user generated parameters relative to the stock option plan such that the user-provided information is used in the modeling..

(step 110 shown in Fig. 1 and discussed at para [0038]).

Per claim 2, Schultz discloses ..generating content at the central server which will aid the individual in the management of the stock option plan and ..educating, communicating..and transmitting the content over the Internet to the individual.

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(Background and Figure 2, strategy module 250 which receives user selected stock and exercise information..refer to para [0079] for details)

Per claim 1 Cristofich discloses the aforementioned steps of claim 1 at col.12 L 63- col.16. Note that arrangement the central server and the individuals (participant 30 connected to the system manager 20 via the Internet).

Regarding claims 3-16 it is asserted that various features claimed therein are essential to calculation of optimization of the stock option plan or calculation of optimal strategy for a selected option exercising scenario selected by the participating individual and therefore anticipated by the prior art applied. Features recited in these claims are discussed throughout the Schultz and Cristofich references.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cristofich as applied to claim 1 above, and further in view of Official notice.

Cristofich fails to teach generating content at the central server which will aid the individual in the management of the stock option plan and ..educating, communicating.. and transmitting the content over the Internet to the individual.

However, official notice is taken that providing the participants of a company sponsored investment plans (such as 401K etc. and employee stock ownership plan) with information regarding the management of their investment accounts is old and well known and need to better inform and educate the participants has been long recognized by the corporations who sponsor the plans.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the claimed feature of generating content.. which will aid the individual in the management of the stock option plan and the individual's company in educating, communicating, training related to the plan, into the Cristofich invention so as to educate and inform the participants of the stock option plan so they would make more informed decisions.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/22/04